

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 04-cr-216-01-SM


James Tobin

ORDER

Re: Document No. 105, Motion in Limine re: to exclude evidence of advice of counsel

Ruling: Granted in part and denied in part. Defendant may elicit evidence of alleged co-conspirators' receipt of legal advice to establish critical times or dates relevant to the charges, and to support a claim that no agreement or conspiracy, as charged, came into existence at a time that defendant could have joined it.

Counsel shall not elicit evidence of the legal advice given, however, before first notifying the court and opposing counsel and obtaining the court's express permission.



Steven J. McAuliffe
Chief District Judge

Date: December 2, 2005

cc: All counsel of record